

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

FREDERICK DEE BUNTIN,

Plaintiff,

V.

**COUNTY OF BAY, PANAMA CITY,
FLORIDA,**

Defendant.

CASE NO. 8:09CV49

MEMORANDUM AND ORDER

This matter is before the court on its own motion. On March 30, 2009, the court entered a Memorandum and Order requiring Plaintiff to “either tender a \$350.00 filing fee to the Clerk of the court or submit a request to proceed in forma pauperis and an affidavit of poverty in support thereof” by April 7, 2009. (Filing No. 6 at CM/ECF p. 1.) The court warned Plaintiff that if he failed to comply this case would be dismissed “without further notice.” (Id. at CM/ECF p. 2.) It is now April 16, 2009, and Plaintiff has not responded to the court’s Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court's orders.; and
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 16th day of April, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Court